

Wisconsin's Hemp Research Pilot Program Licensing Frequently Asked Questions:

Updated October 31, 2019

How do I legally grow hemp in Wisconsin during 2020?

To grow hemp you must:

- Apply for a one-time license using the forms provided by the Department of Agriculture, Trade and Consumer Protection (DATCP)
 - Pay a one-time license application fee
 - \$150 for 0-30 acres
 - \$5/acre for 31-199 acres
 - \$1000 for 200 acres or more
 - Pass a background check with no conviction for a criminal violation of the Federal Controlled Substances Act under 21 USC 801 to 971, Wis. Stat. ch. 961, or any controlled substances law of another state.
- Submit an annual registration with the department every year that you plan to grow hemp, including the first year that you receive your license. When you register each year, you must also submit:
 - An annual registration fee of \$350
 - GPS coordinates, address, and owner information for your growing locations
 - If a land-owner is actually growing the hemp on their property, that land-owner is required to apply for the hemp license and be the licensed hemp grower of the hemp on their property.
 - A research plan or research summary
- Sign, date and return the 2020 Hemp Research Pilot Program's Research Agreement.
 - If you apply online, this signature is collected as part of your online application.
- Submit a planting report within 30 days of planting your hemp crop.
 - Each hemp crop is one variety planted at one location.
- Provide the DATCP with a 30-day notification of your anticipated harvest date.
- Provide growing location access to DATCP hemp inspectors to obtain a hemp sample for every growing location and variety of hemp registered.
- Pay a \$250 sampling/lab fee for each growing location and variety sampled by DATCP.
- Keep records related to your hemp crop and hemp sales.
- Submit a final production report at the end of the growing season and prior to registration for the following growing season.

How do I legally process hemp in Wisconsin during 2020?

To process hemp you must:

- Apply for a one-time license using the forms provided by the Department of Agriculture, Trade and Consumer Protection
 - Pass a background check with no conviction for a criminal violation of the Federal Controlled Substances Act under 21 USC 801 to 971, Wis. Stat. Chapter Ch. 961, or any controlled substances law of another state.
- Submit an annual registration with the department every year that you plan to process hemp, including the first year that you receive your license. When you register each year, you must also submit:

This document is pursuant to Wis. Stat. § 94.55, and Wis. Admin. Code ch. ATCP 22 promulgated under the authority of Section 7606 of the Agriculture Act of 2014 (H.R. 2642; Pub. L. 113-79, also known as the 2014 Farm Bill).

- An annual registration fee of \$100
- GPS coordinates, address, and owner information for your processing locations
- A research plan or research summary
- Sign, date and return the 2020 Hemp Research Pilot Program's Research Agreement.
 - If you apply online, this signature is collected as part of your online application.
- Keep records related to your hemp purchases.
- Submit a final processing report at the end of the growing season and prior to registering for the following growing season.

When can I apply for my 2020 license and registration?

The Wisconsin Hemp Research Pilot Program will begin accepting new applications and renewal annual registration applications on November 1 2019.

How did you come up with the fees?

The license fees are specified in Wis. Stat. § 94.55. The law also allows DATCP and the Wisconsin Hemp Research Pilot Program to set annual registration fees that do not exceed the actual costs of administering the hemp program. We established the fees after calculating the department's costs for program administration and reviewing other states' fees. As most states are doing, DATCP will invoice growers the actual costs of sampling and testing.

How long does my license last?

The Wisconsin Hemp Research Pilot Program's Hemp Grower and Hemp Processor licenses are permanent. However, you must re-register with a new annual registration application each year you want to grow or process hemp in Wisconsin. In the future, this might change pursuant to the USDA's 2018 Farm Bill and the Hemp Production Interim Rule.

Am I required to do anything else if I participate in the industrial Hemp Research Pilot Program?

You must allow us access to your hemp fields to inspect and sample, submit a planting report, and submit a final report. You must maintain a variety of records. You should take reasonable measures to prevent theft or diversion of your industrial hemp plants and seed, and cooperate with law enforcement if necessary. Licensees who fail to pay their invoiced fees or submit their required reports for the previous growing season may have their license suspended, and will not have their registrations approved to grow in the following year. Any invoiced lab fee must be paid to keep your license in good standing and to avoid having any lab fee debt referred to the Wisconsin Department of Revenue for collection.

Can I see a list of industrial hemp growers or industrial hemp processors licensed in the state?

Hemp Research Pilot Program participants' personally identifiable information and field location data are confidential under state law. DATCP will not provide this information, although growers or processors may release it themselves.

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Who is the Operations Manager?

If you apply for a hemp license as a business, the operations manager is the person who the background check is conducted on, and who is legally responsible for the hemp operations. If your licensed business needs to change their operations manager, contact hemp program staff to ask how that change is made.

Who is a License Contact?

A business may also designate other contact persons for the hemp license holder. The Hemp Research Pilot Program calls this contact person a License Contact. Due to the Hemp Research Pilot Program's strict confidentiality, we are unable to provide license information to someone who is not the license holder, the operations manager, or license contact. If are the licensee or operations manager, and need to add or remove a person as a license contact, contact hemp program staff to ask how that change is made.

What type of convictions disqualify me in the background check?

An applicant or an operations manager may not have a conviction for a criminal violation of the Federal Controlled Substances Act under 21 USC 801 to 971, Wis. Stat. Chapter ch. 961, or any controlled substances law of another state. If you are unsure if your conviction violates this standard, please check with an attorney.

What is the research agreement and why is it required?

The 2014 farm bill allowed universities and state departments of agriculture to conduct industrial hemp research and pilot programs. The research agreements extend the department's research program to individual farmers, allowing them to do applied research throughout the state of Wisconsin under a variety of growing conditions. You must sign and date the 2020 Research Agreement as part of the application process for the 2020 annual registration.

What is a research plan or research summary?

After a 70-year absence from Wisconsin's agricultural landscape, hemp is considered a new crop here. Research topics may include planting, harvesting and processing techniques; seed varieties; nutrient requirements; markets; storage; non-chemical pest and weed control; or other topics that participants choose. A concise research plan may be submitted on the forms provided by the department, or a more detailed plan may be attached.

What do I do with the research plan or research summary?

You will use it as your guide to gather and record your findings.

Can I grow hemp in a greenhouse?

Yes, you can grow in a greenhouse as long as you clearly indicate your research goals and production methods on your application.

Can I grow hemp in my residence?

No, you may not grow hemp—except to start seedlings—in your residence, including your basement or any other indoor area within your residence.

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Can I grow hemp near a school, a town, or a major road? Are there restrictions on where I can grow it?

Hemp should be grown in traditional agricultural fields or greenhouses. We do not permit growing hemp in residences. If you want to grow hemp in a location that is not an agricultural field or greenhouse, you must seek and receive approval for that location from the department prior to planting. The department will not otherwise restrict hemp production locations, but you may be subject to township or city zoning rules prohibiting hemp in certain locations, including backyards in residential neighborhoods. We do not track these local rules. You are responsible for knowing and complying with them.

Can I change my field locations or add a growing or processing site?

If you want to change field locations, you must: submit a license amendment form to change, add, or remove a location; provide new GPS coordinates; and, in some cases, submit a license amendment fee. The department has the discretion to waive the license amendment fees for field location change that are required due to unforeseen or extenuating circumstances, such as flooding.

Is there a minimum acreage requirement?

While the department does not require a minimum acreage, growers must have a minimum of 15 female plants available for a pre-harvest regulatory sample at the end of the growing season.

Do I need to build a fence or put up signs around my field?

No. If you are concerned about trespassing or vandalism if your crop is mistaken for marijuana, you may post signs identifying it as hemp, but it is not required.

Do I need to notify the sheriff/local police or does DATCP do it?

Many growers do proactively notify their local law enforcement about their hemp fields and processing locations. However, once you register your hemp fields with us, we will share your field location and contact information with local law enforcement on a regular basis. For this reason, it is essential that you provide accurate field location information and maps and keep the department updated if you need to change growing, storage or processing locations. This saves the grower and processor from unwanted attention, and saves law enforcement time and money on unnecessary investigations. Make sure all locations where hemp will be grown, stored or processed are registered with DATCP prior to planting, storing or processing the hemp.

What is the final report for hemp growers?

If you are a hemp grower with a license and a current annual registration, the Hemp Research Pilot Program will not register you for succeeding seasons if you have not filed your planting report and/or final report. The final report collects some basic information about your hemp crop including: Final production quantity; Processor who received hemp; the final use of your hemp. In 2019, the final report(s) will be mailed to the license holder. Then, the license holder will complete the final report and return it to the Hemp Research Pilot Program.

What is the processing report or final report for hemp processors?

If you are a hemp processor with a license and a current annual registration, the Hemp Research Pilot Program will not register you for the succeeding season if you have not filed your end of year processing

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report. The processing report collects some basic information about the hemp crop(s) you have received for processing. This information includes: Total quantity of hemp received; a List of quantity and license number for each transfer of hem from the licensee; a description of all intended markets for the hemp processed.

Can I sell my unprocessed hemp in other states?

Wisconsin does not prohibit licensed growers from selling their unprocessed hemp interstate, but other states may or may not allow their processors to import unprocessed hemp from Wisconsin. You are responsible for understanding federal law and other states' laws, or for consulting an attorney on these matters.

Can I process hemp imported from growers in other states?

Licensed processors with a current annual registration in Wisconsin may accept unprocessed hemp from licensed growers who are part of any state's hemp pilot program. Unprocessed hemp must be accompanied by documentation provided by a hemp pilot program that demonstrates that the hemp has tested at or below 0.3 percent THC.

Do I have to be a Wisconsin resident to get a DATCP hemp license?

No, but the land where you grow hemp or the location where you process it must be in Wisconsin.

Can I grow hemp under contract with someone else?

Frequently, the answer to this question is no. The Wisconsin Hemp Research Pilot Program is finding that the person who is actually growing the hemp needs to be the license holder and needs to be the person who signs the research agreement.

Do I have to own the land I want to grow hemp on?

No. You can grow hemp on rented land as long as the landowner consents, and understands that we will perform routine inspections and plant sampling in the fields. The license holder needs to be the person who is growing the hemp. If you plant hemp on rented land, you must provide us with the landowner's name and contact information.